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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
01/26/2018 at 04:31:00 PM
Clerk of the Superior Court
By Katelin O'Keefe, Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO – CENTRAL DIVISION

CARLA JONES, on behalf of themselves and
all others similarly situated,

Plaintiffs,

vs.

SHARP HEALTHCARE, a California
Corporation, SHARP GROSSMONT
HOSPITAL, and DOES 1- 100, inclusive,

Defendants.

Case No. 37-2017-00001377-CU-NP-CTL

[E-FILE]

CLASS ACTION

**EXHIBITS 16-27 TO DECLARATION OF
ALLISON H. GODDARD IN SUPPORT OF
MOTION FOR CLASS CERTIFICATION**

Date: March 9, 2018
Time: 8:30 a.m.
Dept.: 74
Judge: Hon. Ronald L. Styn

Action Filed: January 12, 2017
Trial Date: None Set

(PART 2 OF 2)

REDACTED - PUBLIC VERSION

Exhibit 16

LODGED CONDITIONALLY UNDER SEAL

Exhibit 17

LODGED CONDITIONALLY UNDER SEAL

Exhibit 18

LODGED CONDITIONALLY UNDER SEAL

Exhibit 19

LODGED CONDITIONALLY UNDER SEAL

Exhibit 20

LODGED CONDITIONALLY UNDER SEAL

Exhibit 21

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Exhibit 22

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Exhibit 23

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Exhibit 24

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Exhibit 25

LODGED CONDITIONALLY UNDER SEAL

Exhibit 26



Transcript of the Testimony of:

Raul Ramos

Jones

v.

Sharp Healthcare

September 20, 2017

Volume I

CONFIDENTIAL

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO - CENTRAL DIVISION

CARLA JONES, on behalf of)
themselves and all others)
similarly situated,)
)
Plaintiffs,) Case No.
) 37-2017-
-vs-) 00001377-
) CU-NP-CTL
SHARP HEALTHCARE, a California)
Corporation; GROSSMONT HOSPITAL)
CORPORATION dba SHARP GROSSMONT)
HOSPITAL, a California Corporation)
and DOES 1-100, inclusive,)
)
Defendants.)

CONFIDENTIAL DEPOSITION OF RAUL RAMOS
WEDNESDAY, SEPTEMBER 20, 2017
10:08 A.M.
501 WEST BROADWAY, SUITE 1000
SAN DIEGO, CALIFORNIA

REPORTED BY:
DEBERA ANNE DORAN
CSR NO. 7821

1 that entire device is.

2 BY MS. GODDARD:

3 Q Do you recall any discussion about whether
4 parts of the equipment in the OR was mobile so that you
5 couldn't control what the precise field of vision for the
6 camera would be?

7 A I don't recall a lot of discussion about
8 that.

9 Q And if you could just explain to me, what
10 was the motion triggering, I think, that you talked
11 about, the motion sensor, what was that?

12 A A certain amount of motion would turn on the
13 camera to begin recording.

14 Q Did you set the amount of motion that was
15 required to start the recording?

16 A I don't remember.

17 Q Do you know what was -- how much motion was
18 required before recording would begin?

19 A I don't know off the top of my head.

20 Q And how long would recording -- how long
21 would there have to be an absence of motion before the
22 camera stopped recording?

23 A I don't remember.

24 Q And as the -- the webcam would turn on and
25 start recording, correct?

1 PC.

2 Q Okay. So who's logged on to the PC.

3 Did you have local administrator access to
4 those PCs?

5 A Yes.

6 Q Do you know anyone else who did?

7 A Joseph Scarafone.

8 Q Anyone else?

9 A To my knowledge, those are the -- he's the
10 only other person that worked with me on that. But,
11 again, anybody with the local administrator account can
12 access that information.

13 Q With respect to the videos, how would they
14 be stored? Would they be stored -- once a video started
15 and once it stopped, would that be an individual file?

16 A To my knowledge, that's how it worked, yeah.
17 So once it stopped -- it started and then it stopped,
18 that file would be saved to that directory.

19 Q Okay. And was there any -- were those files
20 backed up or replicated in any other location?

21 A I know there is an encrypted secure exterior
22 hard drive where they were often transferred to that was
23 managed by the information -- sorry -- the physical
24 security team which is Ray Albright's team at the time.

25 Q Do you know if they were -- any copies were

1 A Sorry, say that again.

2 Q Did you have any interest in viewing the
3 videos so that you could confirm whether or not you were
4 able to minimize capturing patient's images on the
5 videos?

6 A I wasn't -- I wasn't thinking about that. I
7 wasn't involved in that operation, like to that extent
8 where I was thinking about what's on the videos or not on
9 the videos. I was just more focused on the technical
10 aspect, like is this project complete? Do I have a task
11 associated with it? Otherwise I was focusing on other
12 operational matters.

13 Q There was a refresh that occurred around
14 March of 2013. Does that sound familiar?

15 A I believe there was a refresh incident that
16 occurred.

17 Q What is a refresh incident?

18 A We have a four-year refresh cycle for PCs as
19 well as monitors and what that means is that we take the
20 devices that have aged to a certain point and we replace
21 them with newer devices.

22 Q And did that affect the monitors and
23 computers in operating rooms?

24 A I don't remember the details of the
25 incident, but if -- again, this is just speculating -- if

1 a device was removed from the operating room, that would
2 disrupt the recording capability because the software
3 would no longer be available for the webcam.

4 Q Did you select the software?

5 A Yes.

6 Q Do you recall how much it cost?

7 A If I had to just make an approximate guess,
8 I think it was under \$200 a license, if I recall
9 correctly.

10 Q Was there any discussion -- when were you
11 trying to look at possible solutions that IS could
12 propose with respect to the missing drugs, was there any
13 discussion of potential budget or the maximum amount of
14 cost involved?

15 A For the equipment that I was setting up?

16 Q Yes.

17 A No.

18 Q Or for any of the solutions that you looked
19 at?

20 A No. There was no -- there was no concern
21 that was brought to my attention when I proposed the
22 solution and said how much it would cost.

23 Q Okay.

24 A That was the only time that cost was ever
25 brought up with the -- that I can remember -- with the

1 Q Sure.

2 Since you've been working for Sharp, have
3 you ever participated in installing a monitor with a web
4 camera in any other operating room in a Sharp facility,
5 other than the three at the Grossmont Women's Center?

6 A No.

7 Q Are you aware of any time since you've been
8 working for Sharp where a hidden webcam has been
9 installed in an operating room other than the three at
10 the Grossmont Women's Center?

11 A I'm not aware.

12 Q At some point in time, did you delete videos
13 from the three computers at the Women's Center?

14 A I remember asking for permission to do so.

15 Q Who did you ask?

16 A I believe I asked Ray.

17 Q And what was his response?

18 A I don't recall. Unfortunately, I don't
19 remember.

20 MS. GODDARD: Okay. It's probably a good
21 time to take a break.

22 (Off the record at 11:33 a.m.)

23 (Recess)

24 (On the record at 12:35 p.m.)

25 MS. GODDARD: Mr. Ramos, I'm going to mark

1 see?

2 A I hope I would have sent an email or
3 communicated with somebody over the phone in saying that
4 they were installed in these rooms on these dates and
5 these asset tags which identify the computer and the
6 monitor.

7 Q Would you expect that you would have sent an
8 email like that because that's what your typical practice
9 is?

10 A I just want to be complete with the
11 information and make sure everybody knows when to start,
12 or the completion of the installation is done.

13 Q Okay. Going back to Exhibit 23, do you
14 recognize Exhibit 23?

15 A It looks like an email I sent to
16 Ray Albright and copying Joey Scarafone and Kevin Howell.

17 Q This is now October 22nd, 2012. So the
18 recordings -- the videos had been recording for
19 approximately three, two-and-a-half months. Correct?

20 A It depends. Because if it's the OR where I
21 installed it in August, that could change the date or
22 time frame.

23 Q But you said here, you say: Based on our
24 conversation this morning I deleted all of the August
25 2012 recordings so that we have enough space for future

1 recordings.

2 Do you see that?

3 A Yes.

4 Q Did you have a conversation with
5 Mr. Albright about that?

6 A Based on this email, it looks like I did.

7 Q Okay. And what do you recall about that
8 conversation?

9 A I don't remember anything.

10 Q Did you delete the recordings from July
11 2012?

12 A I don't know. All I can tell you is, based
13 on this email, it says I deleted all August 2012
14 recordings.

15 Q Did you have any discussion with
16 Mr. Albright about maintaining recordings in a different
17 location so that it would save up space on the OR PC, but
18 you'd still have a copy of the recordings?

19 A It was a concern -- we brought a concern to
20 Mr. Albright about how we were going to store this and
21 that space was going to be continue to be a problem. And
22 so to the best of my memory, coming up here, close to
23 August -- or October, I started to send those messages
24 to -- or started that conversation to say what are we
25 doing with these recordings and what can I do to free up

1 space?

2 Q And so you recall you did delete the August
3 2012 recordings? Do you recall that?

4 A Based on the email, I can only say that's
5 what it says here. I don't remember doing it.

6 Q Okay. And do you recall saving those
7 recordings anywhere prior to deleting them from the PC?

8 A I don't remember.

9 Q Have you looked to see if you have any
10 copies of the recordings?

11 A If I personally have any copies of the
12 recordings?

13 Q Or if Sharp personally has any copies of the
14 recordings anywhere else.

15 A I don't know where they're stored any
16 longer. The last place I heard was the secured encrypted
17 drive in Ray's office.

18 Q Did you handle saving the recordings to that
19 drive?

20 A That's a good question. I don't remember.

21 Q I'm going to show you a document that's
22 previously been marked as Exhibit 8. Exhibit 8 is a
23 two-page document numbered Sharp 84 to 85. It's an email
24 dated June 28, 2013 from Raul Ramos to Howard LaBore.

25 Do you recognize Exhibit 8?

1 and so I removed them and I put them in a secure location
2 and as soon as -- it looks like based on this document,
3 Ray was told about that. I'm sure a discussion took
4 place and then we were asked to return them.

5 Q Okay. Did you do anything to check the
6 computers to be sure that they had not been accessed in
7 the time that they had been removed from the security
8 office?

9 A I made sure to put them in a secure location
10 in the warehouse which is the on-call cage there. That's
11 a locked cage, restricted access, and then I also put
12 some sort of labeling according to this document here.

13 Q Do you know what PHI means?

14 A Yes.

15 Q What is your understanding?

16 MS. CHOW: Objection to the extent it calls
17 for a legal conclusion.

18 You can state your own understanding.

19 THE WITNESS: So it's protected health
20 information, but --

21 BY MS. GODDARD:

22 Q Is PHI normally stored in the SSCF on-call
23 cage?

24 MS. CHOW: Again, calls for speculation and
25 a legal conclusion.

1 BY MS. GODDARD:

2 Q Okay. Did you take any steps to inform
3 yourself as part of implementing the solution of video
4 monitors in the operating rooms, to ensure that you had
5 checked all Sharp policies regarding the generation of
6 PHI on a local computer?

7 A The extent of me validating that I had
8 authorization to move forward was through my manager or
9 director, so Kevin Howell.

10 Q Okay. So did you undertake any independent
11 review of Sharp policies or procedures in implementing
12 the video monitor solution in the operating rooms at
13 Sharp Grossmont?

14 A Beyond what I already knew of the policies,
15 no.

16 Q You mentioned that the SSOF on-call cage has
17 limited access.

18 A M-hm.

19 Q Do you know how many people have access to
20 that cage?

21 A My team, because they use that as a staging
22 area. By "my team," I mean the team that I work on.

23 Q How many people are on that team?

24 A At that time, anywhere between 17 and 20.

25 Q Okay. And are you aware of anyone else who

1 had access to that cage besides members of your team?

2 A Possibly somebody -- I don't know. I
3 honestly don't know who else might have access to that
4 cage.

5 Q Okay.

6 A The access to that cage is also restricted
7 by hours. So even my own team can't access that cage
8 until it's after hours. That's why it's called the
9 on-call cage. So they would even be locked out during
10 the period of time of business hours, basically.

11 Q Is there an attendant at the cage?

12 A No.

13 Q So in 2013 how did you access the cage?

14 A With your card badge.

15 Q Okay.

16 (Exhibit 38 marked)

17 BY MS. GODDARD:

18 Q I'm going to mark as Exhibit 38 a series of
19 documents that were produced to us numbered Sharp 3271
20 through Sharp 3294. And I'll just let you know, we got
21 these produced to us. I'm not really sure I understand.
22 And you can take your time to look through them. They
23 appear to be emails, but they don't have the headers that
24 an email would normally have.

25 A Oh, okay.

Exhibit 27



PATTERSON LAW GROUP

Patterson Law Group is a San Diego, California based commercial litigation firm that focuses on complex class action litigation, including consumer protection, privacy, and employee rights actions. Our firm has been recognized as a leader on both the state and national levels, and attorneys at our firm have been appointed lead counsel, or co-lead counsel in more than 40 state and federal actions.

CONSUMER PROTECTION CLASS ACTIONS

Our consumer advocacy practice is focused on protecting the privacy rights of consumers. We have litigated numerous cases challenging retailer practices of collecting unnecessary personal information from credit card customers. We have handled a variety of cases involving data breach, internet scams, deceptive marketing, and deceptive banking practices.

Representative cases which have been certified as class actions and prosecuted to judgment include: (1) *Hernandez v. Restoration Hardware, Inc.*, Case No. 37-2008-00094395 (San Diego Sup. Ct.) (class receiving benefits of more than \$36 million in penalties following trial); (2) *Shabaz, Korn v. Polo Ralph Lauren Corp.*, Case No. SA CV 07-1349 (US Dist. Ct.) (class receiving benefits of more than \$10 million); (3) *Anderson v. United Retail Group*, Case No. 37-2008-00089685 (San Diego Sup. Ct.) (class receiving benefits of approximately \$4.2 million); (4) *McCarthy v. Euromarket*, Case No. 37-2008-00085041 (San Diego Sup. Ct.) (class receiving benefits of approximately \$6 million); (5) *Johnson v. New York & Company*, Case No. 37-2008-00080567, (San Diego Sup. Ct.) (class receiving benefits of approximately \$5 million); (6) *In Re Citibank Heloc Reduction Litigation*, Case No. 09cv0350 (US Dist. Ct.) (class receiving financial benefits as well as reinstatement of equity lines); (7) *Lamps Plus Credit Transaction Cases*, Case No. JCCP4532 (Los Angeles Sup. Ct.) (class receiving benefits of approximately \$6 million); (8) *In Re Easysaver Rewards Litigation*, Case No. 09cv2094 (US Dist. Ct.) (class receiving benefits of more than \$30 million).

EMPLOYEE RIGHTS ACTIONS

Our employee protection practice includes prosecution and trial of both individual and class cases. We have represented employees in many fields, and litigated claims for (1) meal break violations, (2) rest period violations, (3) overtime pay, (4) misclassification, (5) discrimination, (6) wrongful termination, (8) whistle blower, (9) rate violations, (10) unlawful deductions, (11) paystub violations, and (12) private attorney general act claims.

Representative cases include: (1) *LaMasa, et al. v. INDYMAC Resources, Inc.*, Case No. 626836 (Stanislaus County Sup. Ct.) (more than \$3,000,000 recovered after bank failure and seizure by FDIC); (2) *DeLapp v. Union Bank*, Case No. CGC-10-500638 (San Francisco Sup. Ct.) (over \$1,800,000 recovered for lost vacation pay); (3) *Fletcher v. The Toro Company*, Case No. 37-2008-00095573 (San Diego Sup. Ct.) (approximately \$1,000,000 in compensation recovered for the class of only 119 people); (4) *Von Rettig v. La Costa Limousine*, Case No. 37-2008-00086676 (San Diego Sup. Ct.) (approximately \$300,000 recovered for the class); (5) *Zapata v. BAE Systems Advanced Ceramics, Inc.*, Case No. 37-2008-00081654 (San Diego Sup. Ct.); (6) *Park, et al v. The Blue Buffalo Company, LTD et al*, Case No. 3:12cv01274 (US Dist. Ct.) (misclassification); (7) *Verdugo v. Richman Management Corporation*, Case No. 37- 2010-00096841 (San Diego Sup. Ct.) (security guard class); (8) *Hu et al v. International Rectifier Corporation*, Case No. 37- 2010-00096892 (San Diego Sup. Ct.) (unpaid stock benefits).

TRIAL EXPERIENCE

While we take pride in our ability to appropriately evaluate and favorably resolve complex cases, we are ready willing and able to vigorously litigate any case through trial. The attorneys at Patterson Law Group have significant trial experience, including notable results in *Hernandez v. Restoration Hardware* (36 million verdict, San Diego Sup. Ct.); *Ichor Medical Systems v. Walters* (14 million jury verdict, S.D. Cal.), and *Oris Medical Systems v. Allion Healthcare* (4 million settlement reached mid-trial; San Diego Sup. Ct.).

OUR ATTORNEYS

JAMES R. PATTERSON is the founder of Patterson Law Group. Prior to founding the firm, Jim spent 6 years with the prestigious national law firm of Cooley LLP, and 6 years with Harrison Patterson & O'Connor LLP. He has been recognized as a leader in both consumer and employee class actions by the media, legislators, and courts throughout the country. Jim has been appointed lead or co-lead counsel in more than 35 state and federal class actions, and has obtained hundreds of millions of dollars in benefits for his clients and class members. He is known as an innovator that will fight the tough fights. Jim is co-lead counsel in the seminal Pineda v. Williams-Sonoma case that changed the prevailing law, and the entire retail industry in California by prohibiting retailers from collecting unnecessary personal identification information from credit card customers. As a result of his in-court success, Jim has been asked to speak at numerous consumer and privacy related conferences, and to opine as to legislation concerning consumer privacy rights in California.

Jim's training and experience at Cooley, provides him with a unique perspective on the inner-workings and decision making process of large corporations. His experience on the plaintiffs' side has rounded him into a multi-dimensional and dynamic class action attorney. Jim is a graduate of the University of California at Davis, and the University of San Diego Law School, where he finished magna cum laude and was a member of law review and Order of the Coif. He grew up in the Bay Area and currently resides with his wife and two children in San Diego, California.

ALLISON H. GODDARD joined Patterson Law Group, APC at its inception. After graduating from law school in 2000, Ali joined the law firm of Cooley LLP in San Diego, California, where she focused her practice on class actions and complex litigation. She left Cooley in 2004 to found the litigation boutique firm Jaczko Goddard. There, Ali concentrated on intellectual property and general business litigation. In 2011, she joined Patterson Law Group to continue working on intellectual property matters and complex class actions. Ali is very active in the legal community and has served as President of the San Diego Chapter of the Federal Bar Association, Vice Chair of the Host Committee for the 2012 Federal Bar Association National Meetings and Convention. She is currently a Lawyer Representative from the Southern District of California to the Ninth Circuit Judicial Conference.

JACQUELYN E. QUINN joined Patterson Law Group as a law clerk in June 2015 and became an associate upon admission to the California Bar in May 2017. Jackie earned her Juris Doctor from Boston University School of Law. While attending law school she served as a judicial extern for the Honorable Joan M. Lewis, California Superior Court. Jackie also served as an Appellate Advocacy Director for Boston University, and competed as a member of the National Appellate Advocacy Moot Court team. Prior to law school, Jackie attended University of California, Davis, where she earned her Bachelor of Arts degree in Psychology and Human Development. Jackie graduated from Boston University School of Law in May 2016 and was admitted to the California Bar in May 2017.

ADMINISTRATOR

TUPU O'NEILL a paraprofessional and office administrator with more than seven years of experience. In addition to managing the day-to-day operations of Patterson Law Group, Tupu manages cases from inception to trial. She has vast trial experience and has been the sole paraprofessional on multiple class action trials. Tupu is in charge of calendaring, preparation of pleadings, discovery, correspondence, document review and redaction, subpoenas, deposition preparation, case management, docketing control, and filing in both state and federal courts.